

1 **MINUTES OF THE COTTONWOOD HEIGHTS CITY**
2 **PLANNING COMMISSION MEETING**

3
4 **Wednesday, March 5, 2008**
5 **7:00 p.m.**
6 **Cottonwood Heights City Council Room**
7 **1265 East Fort Union Boulevard, Suite 300**
8 **Cottonwood Heights, Utah**
9

10 ***ATTENDANCE***

11
12 **Planning Commission Members:**

13
14 Gordon Nicholl, Chairman
15 Geoff Armstrong
16 J. Thomas Bowen
17 JoAnn Frost
18 Jim Keane
19

City Staff:

Michael Black, Planning Director
Glenn Symes, Associate Planner
Shane Topham, City Attorney
Sherry McConkey, Planning Coordinator

20 **REGULAR MEETING**

21
22 Chairman Gordon Nicholl called the meeting to order at 7:00 p.m. Procedural issues were
23 reviewed.
24

25 **1. Public Comment.**

26
27 (19:00:52) Vera Winn, a Kings Cove Drive resident, stated that on Kings Cove Drive and Kings
28 Cove Way there are homes that have been used for ski rentals all season. She stated that there
29 were numerous strange cars coming and going and the neighbors had no idea who lived in the
30 neighborhood any more. In some cases, she had witnessed four or five cars per driveway and
31 wanted to make the Commission aware of the situation. She also reported that on Kings Hill
32 Drive there was a remodel taking place. Where the basement used to have a window there was
33 now an open double door with a concrete pathway. She asked if it would be another rental.
34 Ms. Winn reported that when she moved to the area 44 years earlier, the Top of the World area
35 consisted of single-family dwellings only. They were now finding that single-family
36 homeowners were in the minority.
37

38 Chair Nicholl responded that the Planning Commission had been very concerned about short-
39 term rentals. They had put together an ordinance that was submitted to the City Council for
40 consideration and a cap was placed on short-term rentals. Planning Director, Michael Black,
41 stated that the number of short-term rentals in the area was known but needed to go through the
42 process. Chair Nicholl realized there were homes being used for short-term rentals and they
43 were concerned about it as well. He explained that the City was somewhat limited in its ability
44 to monitor the units. As a result, the Commission needed to rely on the citizens. If there are
45 concerns about a property being used as a short-term rental, it was recommended that Mr. Black
46 or another staff member be contacted. Staff should be provided with the address and if it is

1 determined to be a legally licensed short-term rental with the City, the owner would have the
2 ability to operate so long as they are in compliance with City ordinances. If they are not
3 licensed, the matter would be addressed accordingly.

4
5 Commissioner Bowen added that in addition to obtaining a license, there were standards that
6 property owners would have to follow. He suggested the public become familiar with those
7 requirements. Non-compliance with the standards could result in revocation of the short-term
8 rental permit license or a fine.

9
10 (19:04:46) Commissioner Frost commented that the only way a property owner could operate a
11 property as a short-term rental would be if they had begun the process some time earlier. She
12 explained that the City put a moratorium on short-term rentals and they were disallowed in
13 residential zones. If someone is operating illegally, it should be brought to the attention of staff.
14 Mr. Black clarified that a short-term rental was any rental of less than 30 days.

15
16 Ms. Winn stated that there were cars parked on the streets during the ski season and the snow
17 plows cannot plow the roads. Chair Nicholl explained that there were parking requirements
18 associated with the short-term rentals. He recommended the address of the specific property
19 referred to on Kings Hill Drive be provided to Mr. Black so that he can follow up.

20
21 Mr. Black stated that the best way to file a complaint was through the City's website.

22
23 (19:07:02) Phil Marsala gave his address as 8552 Kings Cove Drive. He concurred with the
24 comments made by Ms. Winn. He had lived in the area since 1971 and over the past 20 years
25 had noticed the neighborhood had gone downhill. Generally it was due to short-term rentals.
26 They made the neighborhood transitory and the property owners don't maintain them as they
27 should. He had observed that people were in and out of the homes constantly. He was upset by
28 the situation and had been for a long time. He was born and raised in an environment in New
29 York City where he saw things happen as a result of similar transitory situations.

30
31 Mr. Black remarked that he was happy to answer questions but stated that Ordinance
32 Enforcement Officer John Navatto and his assistant would actually investigate. Mr. Navatto's
33 contact information was provided to interested individuals.

34
35 (19:10:17) Mark Monson gave his address as 3402 East Creek Road. He had spoken to
36 Mr. Navatto earlier in the day concerning the property located next door. His understanding was
37 that there was litigation involved in the enforcement. He stated that Mr. Staple had totally
38 disregarded the rules the City put in place. He questioned how the City intended to proceed with
39 this property and others in similar situations. Enforcement did not seem to be happening.
40 Mr. Monson's concern was that the Staples' property was incompliant as a short-term rental
41 property but continued to operate that way. There were other homes in the area that continued to
42 operate as short-term rentals as well.

43
44 Commissioner Bowen commented that the City Council meets every Tuesday. He thought it
45 would be important for the City Council to hear the concerns raised tonight. He explained that

1 the Commission makes recommendations to the City Council but ultimately the City Council
2 passes ordinances.

3
4 Chair Nicholl remarked that the City's short-term rental ordinance was two months old. He was
5 certain that the City Council would be interested in hearing comments from the public.
6 Mr. Black reported that the next City Council business meeting was scheduled for Tuesday,
7 March 11 at 7:00 p.m.

8
9 (19:15:45) Josephine Allen, a 56-year resident, gave her address as 7040 South 1700 East. She
10 stated that they get a lot of runoff from the street and wondered if there was any proposal to
11 install curb and gutter in the area. Mr. Black suggested she contact Kevin Smith who was over
12 Public Works.

13
14 Carol Bengtzen gave her address as 3577 East 8620 South. She asked if the short-term rental
15 ordinance addressed grand fathering properties. In the 37 years she had been a resident, the
16 neighborhood had always comprised single-family dwellings. She wanted to understand how a
17 use could be grand fathered into a multi-use rental and could not see how a use could be grand
18 fathered into something it wasn't.

19
20 Commissioner Bowen explained that the County licensed many of the properties and the City
21 inherited what the County had done. As a result, the properties obtained a vested right to
22 continue operating as ski rentals based on the actions of the County. The City passed an
23 ordinance limiting the areas where ski rentals can exist. A number of conditions were imposed
24 and the property owners were required to be licensed. The short-term rentals that existed
25 previously were legal and could continue to operate. There were, however, numerous short-term
26 rentals that never got a vested right to continue because they were never authorized by the
27 County or City. He stated that the Commission had taken numerous steps to control ski rentals.
28 There was nothing that could be done, however, to eliminate the ones that were legally
29 authorized by the County. Staff could refer to a list of short-term rentals that are currently
30 licensed.

31
32 There were no further public comments.

33
34 **2. Public Hearing – General Plan Amendment – Mark Neff.**

35 **The Planning Commission received public input on an applicant-initiated request to**
36 **amend the general plan from low-density residential to medium-density residential**
37 **for the properties located at:**

- 38
39 • **8559 South Wasatch Blvd.**
40 • **8565 South Wasatch Blvd.**
41 • **8575 South Wasatch Blvd.**
42 • **8585 South Wasatch Blvd.**
43 • **8595 South Wasatch Blvd.**
44

45 (19:22:00) Associate Planner, Glenn Symes, presented the staff report and stated that the request
46 was for a general plan amendment. He mentioned that it was an applicant-initiated general plan

1 amendment for five lots at approximately 8600 South Wasatch Boulevard. The request was for a
2 change from low-density residential to medium-density residential.

3
4 Mr. Symes reviewed the background of the subdivision and stated that it involved the Alta Hills
5 III Subdivision, which was a five-lot subdivision recorded in 2001. The zoning at the time was
6 R-1-8 with the County. Because Wasatch Boulevard is a State road, there was a single access
7 granted for all five lots as a condition of approval. If the proposal were approved, the
8 designation would allow a zone change request to R-2-8, which would allow single-family
9 attached units on minimum 8,000 square-foot lots. Staff recommended denial of the request
10 based largely on the City's own general plan that was approved about three years earlier. It did
11 not make any mention of a change of this type in the proposed area. A few applications had been
12 submitted since the City's incorporation asking for an increase in residential density. Only one
13 was approved. Mr. Symes described the general land use in the area and explained that there
14 were no other areas in the immediate vicinity with the same designation.

15
16 Chair Nicholl opened the public hearing.

17
18 (19:26:24) The applicant, Mark Neff, reported that the properties were owned by his wife, sons,
19 and family corporation so a common decision could be made on all of the parcels. As they
20 placed the property up for sale, it became obvious that there were other issues that might make it
21 more suited for the medium-density zone. Mr. Neff remarked that the property was unusual and
22 created from residual parcels that originally crossed Wasatch Boulevard. As they inventoried the
23 lots along Wasatch Boulevard on the east side, it appeared that they were the only lots that front
24 Wasatch Boulevard with frontage between the two canyons. On the rear of the property there
25 was a significant elevation distance between Esquire Estates subdivision. There was no access
26 between the two nor was there much interference or interaction between the neighborhoods.
27 From a planning standpoint he thought there was a nice pocket there. Mr. Neff remarked that it
28 had become so expensive to sit on the property that they felt motivated to do something with it.
29 The property had also been an eyesore to the neighborhood and there had been some
30 enforcement problems with graffiti and trash being dumped. Mr. Neff had come to the
31 conclusion that he could not police the property and keep it clean and thought it was time to
32 develop it.

33
34 Mr. Neff believed that five additional units were statistically insignificant. His intent was to
35 include a restrictive covenant in the CC&Rs to prevent short-term rentals. He agreed that short-
36 term rentals destroy neighborhoods. Mr. Neff believed the existing zone was inappropriate for
37 single-family development primarily because of traffic and noise. If the property remains single-
38 family he foresaw that the development would basically turn inward. In speaking with
39 prospective purchasers they would want to sound barricade the property from Wasatch
40 Boulevard. Mr. Neff's preference was to see a planned development where a homeowners'
41 association would be obligated to maintain the strip of property between the sidewalk and the
42 property line. They would have landscaping and maintenance that would flow to Wasatch
43 Boulevard and the project would turn toward the outside and create a much better streetscape.

44
45 (19:35:46) In response to a question raised, Mr. Neff stated that he purchased the property
46 approximately 10 years earlier. Elevation-wise he did not think there was any way to obstruct

1 any of the views of the homes above. When they acquired the property they gave assurances that
2 they would not obstruct any of the neighbors' views. Mr. Black stated that three acres was the
3 minimum allowed for a minor PUD. Five acres were required for a standard PUD.
4 Commissioner Bowen explained to Mr. Neff that what he proposed was not allowed because
5 there is not enough area. Mr. Neff suggested a planned development rather than a PUD. Their
6 intent through restrictive covenants and the creation of a homeowners' association was to have it
7 act as a unit rather than single homes. Commissioner Bowen agreed that homeowners'
8 associations in small developments don't work. He did not think five lots would be enough to
9 maintain a homeowners' association.

10
11 Phil Marsala clarified that it was the recommendation of staff to maintain low-density
12 development. He asked what the primary difference was between low and medium density. It
13 was clarified that the property was zoned for minimum lot sizes of 8,000 square feet. Mr. Symes
14 explained that medium density would allow single-family attached units. The applicant's
15 preference was for medium density. Mr. Marsala was acquainted with Mr. Neff and stated that
16 since the time he purchased the property, very little work had been done. What work was done
17 involved shifting dirt from one area to another. A trailer that was parked on the property in 2001
18 was finally removed the prior summer. It had looked like a junkyard for too many years. One
19 day Mr. Marsala saw Mr. Neff on the site and complained to him. Mr. Neff informed him that
20 they had had problems with the property and that they originally purchased it because of the
21 Olympics. The intent was to rent the property for temporary structures to be set up to help
22 transport people. Nothing ever happened and the property remained unchanged. To this day,
23 Mr. Marsala stated that the property was still a mess but it now looks like a brickyard with bricks
24 piled all over it. He was surprised when the trailer was finally moved. When he voiced his
25 concerns to Mr. Neff three years prior he was promised that it would be moved within a few
26 months. As a result, Mr. Marsala had very little faith in Mr. Neff.

27
28 Mr. Marsala wondered if Mr. Neff had permission to develop the property since a crew dug a
29 trench through it. When Mr. Marsala spoke to the workers, they advised him to get earthquake
30 insurance since there was a fault zone running through the lot directly up the hill through the
31 center of his house. Mr. Marsala could not understand why Mr. Neff was being allowed to build
32 a home on the property.

33
34 (19:45:20) Vie Coppa a 29-year resident, gave her address as 3494 East 8505 South. She wanted
35 assurance that the property would be developed as primary residential and not apartments. She
36 did not want it to be used for ski rentals.

37
38 Carol Bengtzen thought something should be done with the property because of what Mr. Neff
39 started. She agreed that it was an eyesore and did not think developing it as multiple units would
40 make it a desirable place to live. She expressed concern with the parking and asked where the
41 parking would be located for the proposed units to keep them off of Wasatch Boulevard. She
42 stated that the decision the Commission makes will affect her desire to remain in her
43 neighborhood.

44
45 (19:49:54) Serge Olszanskyj gave his address as 8542 South Little Willow Circle. He was not
46 fond of the idea of multiple family units in the area and had several concerns. He explained that

1 while the result may be a consistent look and feel for the property, he was unsure it would be
2 consistent with the rest of the neighborhood. With more people living there, there would be
3 increased amounts of traffic. He asked if consideration was given to developing fewer lots to
4 allow more opportunity for single-family homes with yards. It was noted that the property was
5 zoned for five lots.

6
7 There were no further public comments. The public hearing was closed.
8

9 (19:52:00) Commissioner Armstrong commented that in a way the property was landlocked but
10 it was very pertinent to those living above it. He agreed that the development of the property
11 would help the surrounding neighborhood. The possibility of rezoning would facilitate even 10
12 or more units. He leaned toward the neighborhood and noted that it was surrounded by low-
13 density zoning. He supported the neighbors in that it should remain low-density.
14

15 Commissioner Frost was very familiar with the parcel and had lived in the area since 1976. She
16 did not think that when a person purchases a parcel of ground that it is the responsibility of the
17 community to solve the problems of the property owner. It was instead the responsibility of the
18 property owner as a citizen in the community. She stated that the property was developable and
19 not inexpensive. Her desire was to sustain the integrity of the community and did not want to
20 see it slip away by misusing the good nature of the neighbors. She did not see the need to have
21 to rezone the property to allow higher density. She thought it simply needed to be developed.
22 There were other parcels that had been developed in close proximity to Wasatch Boulevard. She
23 agreed with staff's recommendation.
24

25 (19:54:29) *Commissioner Keane moved to deny the application based on staff's*
26 *recommendation and the comments made tonight. Commissioner Bowen seconded the*
27 *motion. Vote on motion: JoAnn Frost-Aye, J. Thomas Bowen-Aye, Gordon Nicholl-Aye, Jim*
28 *Keane-Aye, Geoff Armstrong-Aye. The motion passed unanimously.*
29

30 **3. Public Hearing – General Plan Amendment – Curtis Nelson.**

31 **The Planning Commission received public comment on an applicant-initiated**
32 **request to amend the general plan from low-density residential to neighborhood**
33 **commercial for the properties located at:**
34

- 35 • **1638 East Fort Union Blvd.**
- 36 • **1642 East Fort Union Blvd.**
- 37 • **1648 East Fort Union Blvd.**
- 38 • **1680 East Fort Union Blvd.**
- 39 • **1690 East Fort Union Blvd.**
- 40 • **6943 South 1620 East**
- 41

42 (19:55:01) Mr. Symes presented the staff report and stated that the request was for a general plan
43 amendment. The location of the property was described. The request was to amend the zoning
44 from low-density residential to neighborhood commercial. Mr. Symes arrived at his
45 recommendation after looking at the situation from a land use planning perspective. He reported
46 that the general plan designation for all of the properties on Fort Union Boulevard from Union

1 Park to 2500 East had a general plan designation other than low-density residential. Because of
2 that it was anticipated that at some point the properties would change over to some sort of
3 commercial use. The Commission should, however, look at the proper zone and what might be
4 done with the property if it were to change over.

5
6 Mr. Symes explained that under the neighborhood commercial land use designation, the property
7 owner could apply for either neighborhood commercial or residential office. Both were the two
8 least intense commercial zones the City had. Mr. Symes did not feel that the neighborhood
9 commercial zone would be particularly appropriate in this case for a couple of reasons. First,
10 because of the proximity to residential properties. Second, it was clear in reading the intent and
11 purpose that the residential office zone is more appropriate if and when a property is changed
12 over to a commercial use.

13
14 The applicant, Curtis Nelson, gave his address as 6943 South 1620 East. He reported that there
15 was a group of property owners in the neighborhood who were pressured by market
16 circumstances to change the zoning to something that is more usable. They had tried to attract
17 families, which they found very difficult to do. There were small business owners who were
18 interested in the properties. He commented that nearly every property along Fort Union had
19 some type of commercial designation. They had also observed that the City had the ability to
20 accommodate those properties that meet all of the necessary requirements. He asked the
21 Commission to consider the application and accept the staff recommendation.

22
23 Mr. Nelson commented that there were six property owners involved in the request.

24
25 (20:02:33) Betsy Pettett gave her address as 1648 East Fort Union. They had lived in their home
26 for three years and had no intention to leave. At the same time, if and when they choose to
27 move, they did not want to be confined to just one option and wanted to have the opportunity to
28 at least explore their options. She thought residential office would help maintain the quaint feel
29 of the area and not interfere with adjoining uses.

30
31 Darlene Chytraus was the owner of property at 1680 East 7000 South. She had owned the
32 property for a long time and had found that there was no interest in developing residential along
33 such a busy street. She thought it was time to update the zoning.

34
35 (20:05:40) John Benson gave his address as 6967 South 1620 East and stated that they had lived
36 there since 1978. When they moved in, all of the adjoining lots were vacant. When the homes
37 were built in his back yard the County said they would be single-family dwellings. Instead,
38 duplexes were built and they had been ski rentals ever since. There was considerable noise from
39 the renters going in and out at all hours of the day and night. Great improvements had been
40 made to the house on the corner but he thought the timing was wrong. The property owner put
41 too much money into it and he was now trying to get the City to bail him out. Mr. Benson
42 remarked that there was no frontage on Fort Union so there would be no street appeal. The
43 residential office proposal appealed to him more than ski rentals. He did not think the homes
44 were approved for short-term rentals due to the condition they were in.

1 (20:08:48) Bart Hopkin gave his address as 7059 South 1620 East and stated that he had been a
2 resident since 1973. He had seen the street stop at the top of the hill and then be pushed through.
3 The original intent at one time was to have apartments at the bottom of the street. The request
4 was taken to the County and defeated. Mr. Hopkin thanked staff for their work. If the
5 Commission decided to zone the property residential office, he recommended there be
6 restrictions prohibiting the exit from coming come out onto 1620 East. He felt that the most
7 crucial issue was traffic.

8
9 (20:14:49) Josephine Allen gave her address as 7040 South 1700 East. Her main concern was
10 that if the zoning is changed to residential commercial she did not want property owners to build
11 large buildings. She questioned whether 1700 East would be used as an access if they are
12 prohibited from using 1620 East.

13
14 Chair Nicholl responded that the restriction for neighborhood commercial was 7,500 square feet
15 on one level with a maximum of two levels or a 15,000 square-foot building. In a residential
16 office area the maximums were reduced to 5,000 square feet on each level with a maximum of
17 two levels or 10,000 square feet.

18
19 (20:16:22) Bill James identified himself as a homeowner at 7030 South 1620 East. He gave the
20 matter substantial thought and came to the conclusion that what was proposed was a request to
21 amend the general plan. He thought it would allow the citizens to inquire as to how the proposed
22 amendment would address a community need. He also thought it was important to realize that
23 before someone actually gets to the point of executing some approved measure, typically they
24 have to go through a series of steps. He asked what legitimate community need was being
25 addressed by the current proposal. He stated that under no circumstance should the City permit
26 any existing residential building on Fort Union to be converted to primary commercial use. He
27 suggested two considerations be blended together. The first was for the citizens to help shape
28 the community in a way that is attractive. It was also appropriate for the City to press an
29 applicant to set out the legitimate community need their proposal addresses. Putting all of the
30 strategic investment considerations of individuals aside, as a resident he asked what legitimate
31 community need could be addressed by such a development plan. He acknowledged that some
32 of the properties in the proposed area are pretty distressed. He realized Fort Union Boulevard
33 would be a difficult street to front on without some mitigating circumstances. Possible
34 acceptable architectural styles were described. Mr. James thought perhaps there might be a good
35 proposal that is worth approving but he did not think the citizens had seen it yet.

36
37 Chair Nicholl remarked that the Commission discussed Mr. James' concerns in its work session
38 prior to the meeting. One of the problems with the conceptual plan was that if an applicant
39 submits a conceptual plan and the Commission makes its decision based on that plan, the
40 applicant may believe that the conceptual plan is not binding. He can then go forward with
41 whatever is legal in the zone. The Commission found that when conceptual plans are submitted,
42 it gives a very strong indication that the applicant has thought the proposal through and has put
43 together a vision for the project. The Commission would then have a fairly good idea that the
44 applicant will fulfill that plan.

45
46 There were no further public comments. The public hearing was closed.

1
2 (20:27:15) Commissioner Bowen was adamantly opposed to the proposal. He stated that
3 Mr. Hopkin and Mr. James had summarized his concerns. He was concerned about changing the
4 topography and that they were taking existing structures and turning them into offices. If done,
5 he thought it should be done as a unit with some sort of cohesive plan. He thought it may turn
6 into an office use at some point in the future and thought it would be a big mistake to proceed
7 with random individual lots.

8
9 Commissioner Frost commented that the Commission studied the matter for a very long time and
10 the staff recommendation was an excellent one that had a lot to do with timing. She explained
11 that it was a conceptual plan but she did not see it coming in as one cohesive plan. She did not
12 think the proposal was as clear as she wanted it to be.

13
14 (20:29:33) Based on what was said, Commissioner Armstrong was not in favor of amending the
15 plan. He recognized, however, that at some future point in time something would have to be
16 done with the properties.

17
18 Chair Nicholl explained that the Commission agreed that something would have to be done with
19 the property. They wanted to see a more cohesive plan and something that is put together with
20 all of the property owners so that it comes forward as one proposal. The intent was to build
21 something that is good for the community. He did not think the Planning Commission was
22 opposed to looking at a plan for the project that will really work but he did not think they were
23 quite ready with the current proposal.

24
25 (20:30:45) *Commissioner Bowen moved to deny the request based on the comments of the*
26 *Planning Commission and the public. Commissioner Armstrong seconded the motion. Vote*
27 *on motion: JoAnn Frost-Aye, J. Thomas Bowen-Aye, Gordon Nicholl-Aye, Jim Keane-Aye,*
28 *Geoff Armstrong-Aye. The motion passed unanimously.*

29
30 **4. Consent Calendar – Conditional Use Permit – Short-Term Rentals.**

31 **The Planning Commission received public comment and took action on a request**
32 **for conditional use permits for short-term rentals located at the addresses listed**
33 **below:**

- 34
35 • **3596 East 9050 South**
36 • **3585 East Lost Spring Lane**
37 • **3587 East Lost Spring Lane**
38 • **3560 East Rustic Spring Lane**
39 • **3534 East Wasatch Grove Lane**
40 • **8188 South Clover Spring Lane**
41 • **8196 South Clover Spring Lane**
42 • **8208 South Wasatch Grove Lane**
43 • **8234 South Wasatch Grove Lane**
44

45 (20:36:25) Planning Coordinator, Sherry McConkey, presented the staff report and stated that
46 there were nine short-term rentals up for approval. All had been inspected by her and passed.

1 Additionally, none of the units had any complaints on record with the sheriff's office. Staff
2 recommended approval and noted that all of the units were in the Spring Lane development.

3
4 (20:36:55) ***Commissioner Bowen moved to approve the conditional use permit for the above***
5 ***identified short-term rentals. Commissioner Keane seconded the motion.***

6
7 Vera Winn referred to The Oaks at Wasatch development and stated that it was difficult to get in
8 and out. Access issues were discussed. She was concerned about how guests would access the
9 units safely. She was also concerned by the number of cars generated by the units that were
10 going through their neighborhood. Commissioner Bowen suggested upset citizens address their
11 concerns with the City Council. He explained that the Commission had strong views on the
12 matter, however, the City Council determined that certain criteria must be met. If met, the
13 applicant was entitled to a short-term rental. A cap was placed on it and applications were taken
14 until the end of January. If they meet the standards, they were entitled to the approval. The
15 items being discussed tonight were determined to have met the necessary criteria. Commissioner
16 Bowen recommended that citizens make a record of what is going on with short-term rentals and
17 file public complaints. At that point, they would have a basis to address the City who could
18 respond.

19
20 Mr. Black asked Ms. Winn if the problem had to do with traffic exiting The Oaks at Wasatch.
21 Ms. Winn responded that it had to do with both entering and exiting traffic. The road in was
22 barely adequate for one car. Exiting was more difficult.

23
24 Phillip Sweat gave his address as 3544 East 9055 South. He reported that this was the first they
25 had heard about the short-term rental situation. He had called police in the past because there
26 was no way to get by with the existing cars that are there. He stated that there had been
27 complaints and he personally had called himself. Ms. McConkey stated that she ran the
28 addresses through the sheriff's office to check for complaints and there were none. Mr. Sweat
29 commented that there was only one way in and out of the community. He did not think the area
30 was appropriate for short-term rentals. In his experience, short-term rental situations created a
31 transient atmosphere.

32
33 The specific property referred to was discussed. Ms. McConkey responded that the property she
34 inspected was in a condominium complex and not at The Oaks. The address as given as 3596
35 East 9055 East in Canyon Place Condominiums. Mr. Sweat stated that if that was the case, he
36 was mistaken. Ms. McConkey explained that notice was sent to all property owners within 300
37 feet of the property. Addressing issues were discussed. Mr. Black assured Mr. Sweat that the
38 property across the street from him would not be approved rather than the one in the Canyon
39 Place Condominiums. He asked that the address be amended to refer to the parcel number of the
40 condominium and refer to it that way rather than to the address. The Parcel ID was given as
41 2801305010.

42
43 ***Commissioner Bowen amended the motion to include the Parcel ID #2801305010.***
44

1 Mr. Black made it clear that the property across the street that Mr. Sweat referred to would not
2 be granted a short-term rental permit and in fact, had no application had been filed for that
3 address.

4
5 (20:53:20) Mark Cavazos gave his address as 3602 East 9050 South. He explained that he was
6 present because of 3596 East 9050 South. He commented that there were already nine short-
7 term rentals there. A situation was created where for insurance purposes, many insurance
8 companies don't want to ensure property that is run as a short-term rental. Commissioner Bowen
9 stated that many homeowners' associations do not enforce short-term rentals since many times
10 they are contrary to the CC&Rs.

11
12 *****There was no vote on the motion.***

13
14 **5. Discussion Item –First Review – Amendments to Chapter 19.76 – Supplementary**
15 **and Qualifying Regulation.**

16
17 (20:54:58) Mr. Black presented the supplementary and qualifying regulations that were reviewed
18 earlier in the work session. He agreed to notice the matter for a public hearing.

19
20 **6. Discussion Item – First Review – Amendments to Chapter 19.90 – Amendments and**
21 **Rezoning.**

22
23 (20:55:25) Mr. Black commented that staff was trying to amend the chapter to be in compliance
24 with the State Code. City Attorney, Shane Topham, provided staff with his suggestions as well.
25 The proposed modifications were reviewed. Mr. Black agreed to notice the above matter for a
26 public hearing.

27
28 **7. Discussion Item – Architectural Design Standards.**

29
30 (20:56:37) Mr. Black asked that the Commission address the matter in more detail at the next
31 meeting and have the Architectural Review Commission be present. He agreed to provide some
32 literature at that time as well. He did not feel ready to address the matter tonight since he was
33 not present at the last meeting to hear the specific concerns raised.

34
35 (20:57:39) Commissioner Bowen asked for an update on the "how-to" manual. Mr. Black
36 responded that he had been working on some big projects and had not had time to make the
37 necessary revisions. He hoped to make it available to the Commission in the near future.

38
39 Commissioner Keane referred to Walgreens and Check City and noticed that they were in very
40 prominent locations. It was his opinion that they were not the right types of properties for such a
41 visible location. He thought the Check City building was too tall and did not look right in the
42 proposed location. Mr. Black stated that if more control was desired on the part of the
43 Commission that could be achieved. The current theme in Cottonwood Heights was described.
44 He explained that requiring specific standards and building materials did not work out very well.
45 Commissioner Frost thought the City should make an effort. She stated that in Park City they

1 started refining the process little by little. Mr. Black thought the City started the same thing and
2 went as far as they could at the time.

3
4 Commissioner Bowen asked about the enforceability of the Architectural Control Committee.
5 Mr. Black responded that there were standards in place. He explained that there were guidelines,
6 however, they were not yet adopted as an ordinance. The idea was proposed to the Commission
7 early on, but they found that the legislative body was in favor of standards on the street such as
8 landscaping and streetlights. They felt that the Architectural Review Commission should make
9 sure that design themes are executed to the extent possible.

10
11 (21:055:50) Commissioner Bowen believed that based on tonight's discussion, at some point in
12 the future, the property on Fort Union will come in. It was clearly in the Gateway zone and the
13 property owners would want to put something in there. That would give the City an opportunity
14 at that point to make some decisions. Mr. Black recommended the Chairman of the
15 Architectural Review Commission speak to the Commission in determining the direction to go.
16 He agreed to help the Commission prepare a document to submit to the City Council.

17
18 Commissioner Keane's point was not so much a standard throughout the City but specific
19 properties that have prominent locations like Walgreens and Check City will have. He thought
20 stricter control was needed of those specific properties.

21
22 Commissioner Bowen asked about the status concerning expansion of the Gateway zone further
23 up Fort Union. Mr. Black stated that that was of no concern and it could be expanded further.
24 He thought there was good reason to take it all the way up to 2500 East.

25 26 **8. Planning Director's Report.**

27
28 (21:07:38) Mr. Black reported that the Canyon Racquet Club approached staff with ideas ranging
29 from single-family dwellings to a baseball field to hotels.

30
31 Mr. Black next reported on the City Center Master Plan. He stated that staff was not moving
32 very quickly on it. The City's consultants get calls weekly from staff but progress had not yet
33 been made.

34
35 Commissioner Bowen asked if a stamped sidewalk was required at Check City. Mr. Black stated
36 that it was and that the fencing issue was turned over to code enforcement.

37
38 Commissioner Frost thought that short-term rentals operating in residential areas should pay
39 higher taxes. She viewed it as a completely different operation from a residence that should
40 qualify for a higher tax. Mr. Black stated that there were various steps that would need to be
41 taken in order to do that. He remarked that they pay a hotel tax as well as \$350 per year and an
42 additional \$150 for the business license. Commissioner Frost was concerned that that did not
43 even cover the complaints received. Mr. Black was unsure about that and stated that complaints
44 are most often received on illegal short-term rentals that the City got no revenue from. He
45 explained that the vast majority of the work came from the unlicensed short-term rental
46 operations. In response to a question raised by Commissioner Bowen, Mr. Black stated that the

1 City had two code enforcement officers. He suspected that a third may need to be hired on a
2 seasonal basis.

3
4 (21:11:47) Commissioner Armstrong stated that a new police department was starting effective
5 September 1 and asked what was being done about a new police station. Mr. Black was unsure
6 but acknowledged that one was needed.

7
8 Traffic issues were discussed.

9
10 **9. Adjournment.**

11
12 (21:16:13) *Commissioner Bowen moved to adjourn. Commissioner Armstrong seconded the*
13 *motion. Vote on motion: JoAnn Frost-Aye, J. Thomas Bowen-Aye, Gordon Nicholl-Aye, Jim*
14 *Keane-Aye, Geoff Armstrong-Aye. The motion passed unanimously.*

15
16 The Planning Commission Meeting adjourned at 9:15 p.m.

1 *I hereby certify that the foregoing represents a true, accurate and complete record of the*
2 *Cottonwood Heights City Planning Commission meeting held Wednesday, March 5, 2008.*

3
4
5
6
7
8 

9 Teri Forbes
10 T Forbes Group
11 Minutes Secretary

12
13
14 Minutes approved: